

# SENATE RECORD VOTE ANALYSIS

106th Congress  
2nd Session

Vote No. 268

October 11, 2000, 4:32 p.m.  
Page S-10228 Temp. Record

## TRAFFICKING VICTIMS PROTECTION ACT/Federal Aid, State Sentencing

**SUBJECT:** Conference report to accompany the Victims of Trafficking and Violence Protection Act of 2000 . . . H.R. 3244. Vote to uphold the ruling of the Chair that the Thompson point of order was not well taken.

### ACTION: DECISION OF CHAIR SUSTAINED, 90-5

**SYNOPSIS:** The conference report to accompany H.R. 3244, the Victims of Trafficking and Violence Protection Act of 2000, will combat world-wide trafficking of people into prostitution, slavery, and slavery-like conditions. Measures to prevent such trafficking, to punish traffickers, and to assist the victims of such trafficking will be enacted. The report will also reauthorize and expand the Violence Against Women Act and will enact Aimee's Law (regarding child molesters and violent criminals who commit crimes in one State after being released by another), the 21st Amendment Enforcement Act (regarding interstate alcohol sales and State alcohol laws), and the Justice for Victims of Terrorism Act.

Division C, section 2001 will enact Aimee's Law (named for a young woman in Pennsylvania who was brutally raped and murdered by a convicted killer who had been released from prison early by another State). Under this law, if a convicted murderer, rapist, or child molester is released by a State, and if that felon then commits murder, rape, or child molestation in another State, then the Federal Government will withhold Federal law enforcement funds from the first State and increase Federal law enforcement funds for the second State in an amount equal to the second States' prosecution and imprisonment costs for that felon: if the first State's average sentence for murderers, rapists, and child molesters is lower than the national average; or if that felon served less than 85 percent of his or her sentence before being paroled. If a felon was given an indeterminate sentence (such as 5 years to 8 years), then the lower number will be used in determining whether 85 percent of the sentence was served. A State will have to apply on a case-by-case basis to receive this transfer of funds. If a State has its Federal funding for law enforcement reduced, it will have the option of designating the particular Federal aid program or programs that will be reduced, except that it will not be permitted to reduce Federal aid programs for victims. The Justice Department will collect State-by-State recidivism data and will monitor the implementation of this new law.

During debate, Senator Thompson raised a point of order that Division C, section 2001 contained matter outside the jurisdiction

(See other side)

| YEAS (90)                  |               |                          |             | NAYS (5)                 |                        | NOT VOTING (5)         |                         |
|----------------------------|---------------|--------------------------|-------------|--------------------------|------------------------|------------------------|-------------------------|
| Republicans<br>(48 or 92%) |               | Democrats<br>(42 or 98%) |             | Republicans<br>(4 or 8%) | Democrats<br>(1 or 2%) | Republicans<br>(2)     | Democrats<br>(3)        |
| Abraham                    | Hutchinson    | Akaka                    | Kennedy     | Bond                     | Feingold               | Helms <sup>-2</sup>    | Feinstein <sup>-2</sup> |
| Allard                     | Hutchison     | Baucus                   | Kerrey      | Hagel                    |                        | Inhofe <sup>-2AY</sup> | Kerry <sup>-2</sup>     |
| Ashcroft                   | Jeffords      | Bayh                     | Kohl        | Thompson                 |                        |                        | Lieberman <sup>-2</sup> |
| Bennett                    | Kyl           | Biden                    | Landrieu    | Voinovich                |                        |                        |                         |
| Brownback                  | Lott          | Bingaman                 | Lautenberg  |                          |                        |                        |                         |
| Bunning                    | Lugar         | Boxer                    | Leahy       |                          |                        |                        |                         |
| Burns                      | Mack          | Breaux                   | Levin       |                          |                        |                        |                         |
| Campbell                   | McCain        | Bryan                    | Lincoln     |                          |                        |                        |                         |
| Chafee                     | McConnell     | Byrd                     | Mikulski    |                          |                        |                        |                         |
| Cochran                    | Murkowski     | Cleland                  | Miller      |                          |                        |                        |                         |
| Collins                    | Nickles       | Conrad                   | Moynihan    |                          |                        |                        |                         |
| Craig                      | Roberts       | Daschle                  | Murray      |                          |                        |                        |                         |
| Crapo                      | Roth          | Dodd                     | Reed        |                          |                        |                        |                         |
| DeWine                     | Santorum      | Dorgan                   | Reid        |                          |                        |                        |                         |
| Domenici                   | Sessions      | Durbin                   | Robb        |                          |                        |                        |                         |
| Enzi                       | Shelby        | Edwards                  | Rockefeller |                          |                        |                        |                         |
| Fitzgerald                 | Smith, Bob    | Graham                   | Sarbanes    |                          |                        |                        |                         |
| Frist                      | Smith, Gordon | Harkin                   | Schumer     |                          |                        |                        |                         |
| Gorton                     | Snowe         | Hollings                 | Torricelli  |                          |                        |                        |                         |
| Gramm                      | Specter       | Inouye                   | Wellstone   |                          |                        |                        |                         |
| Grams                      | Stevens       | Johnson                  | Wyden       |                          |                        |                        |                         |
| Grassley                   | Thomas        |                          |             |                          |                        |                        |                         |
| Gregg                      | Thurmond      |                          |             |                          |                        |                        |                         |
| Hatch                      | Warner        |                          |             |                          |                        |                        |                         |

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

of the Foreign Relations Committee. The Chair ruled that the point of order was not well taken. Senator Thompson then appealed the ruling of the Chair.

**Those favoring** the ruling of the Chair contended:

We emphatically support the enactment of Aimee's Law. One State's citizens should not be victimized by another State's inexcusable failure to keep murderers, rapists, and child molesters behind bars. The issue is that simple. More than 1,200 sexual assaults on children, murders, and rapes are committed each year by felons who have been released from prison in other States after having been imprisoned for committing the same crimes. Sometimes, those felons have been paroled after serving only a small fraction of their sentences (13 percent of rapists serve no time at all in jail); other times, they have been let go because they have been convicted in liberal States that do not impose long sentences on violent criminals. The law is named after Aimee Williard, a young college student from Pennsylvania who in 1996 was kidnaped from her own car, raped, and then beaten to death--beaten so badly around the head and face that her body had to be identified by the Nike swoosh on her ankle--beaten so badly that she had an empty heart when she was found. Every pint of blood had spilled from her body. The man who did this to her, Arthur Bomar, had been paroled from prison after serving only 12 years of a life sentence in Nevada for murdering a man. While he had been awaiting trial for that murder he had shot a woman. While he had been in prison serving time for both of those crimes he had assaulted a woman who was visiting him. Arthur Bomar should never have been released. It was utterly reckless to allow a man with this record to go free. Predictably, he murdered again; when he did, it was in Pennsylvania. Thousands of people have been victimized by vicious criminals like Arthur Bomar who have crossed State lines after being released early from prison.

Many States have liberal sentencing or parole laws for convicted murderers, rapists, and child molesters, despite the extremely high recidivism rates for such criminals (particularly child molesters); even States with responsible laws will sometimes inexplicably release a dangerous felon after he has served only a few years of his sentence. When a dangerous felon who is released early from prison crosses State lines and victimizes someone else, then the State that let that felon go should have to pay the other State's costs of prosecuting and imprisoning him. Aimee's Law, without federalizing any crime, will effectively achieve that end by transferring Federal aid funds from a State that lets a felon go early to the State whose citizen or citizens are subsequently victimized in an amount equal to the second State's cost of prosecuting and incarcerating the felon. Essentially, it will take away from a State any financial benefit it may hope to get from letting a dangerous criminal go free. It is costly to lock up criminals, and the sad truth is that many States free people because they are not willing to pay the cost of keeping them in prison. Aimee's Law will take away that incentive.

Some Senators have said that they oppose enacting Aimee's Law because they are concerned that it will federalize these crimes, which should be dealt with by the States, and because they think it will be difficult to implement. We reject these arguments. Though we share our colleagues' desire to limit the Federal Government's usurpation of State responsibilities, we note that this law will not in any way order any State to change its laws, nor will it impose any punishment. All it will do is withhold some assistance, and then only when the issue has become an interstate issue because a former prisoner has crossed State lines to commit a heinous crime. Under this law, if a liberal State repeatedly releases a rapist or child molester after making him serve only a few days in jail, Federal aid to that State will not be affected as long as that criminal victimizes only people in that State. The law will only take effect if that criminal attacks citizens of another State and that State then responsibly assumes the cost of keeping that criminal in jail where he cannot victimize any more innocent people. The second argument, that it will be difficult to enforce this law, offers no excuse for voting against it. Certainly, we want to make the law clear and easy to enforce, and we have made several modifications from an earlier version of this proposal in order to make it clearer, but even if the law were cumbersome it should go into effect. Perhaps it may be difficult, and time-consuming, and costly to implement the law, but lives will be saved, and the law is just. We should not sacrifice justice to convenience. Law enforcement and victims' rights groups strongly support the enactment of Aimee's Law. We urge our colleagues to support its enactment as well.

**Those opposing** the ruling of the Chair contended:

Under the Constitution, States are responsible for law enforcement within their borders. The assumption is not made that the Federal Government knows what types of laws and sentences are appropriate for each State, and that laws must be uniform. For 200 years, States, under the Constitution, have made these decisions for themselves. Increasingly, though, the Federal Government has been intruding into local law enforcement. In this case, it will use Aimee's Law to pressure States into imposing lengthy prison sentences. States that have less than the average length of sentence will end up having to pay prison costs for recidivist criminals they release who end up committing crimes in other States. This requirement will lead to States imposing ever-longer sentences in order to avoid having lower than average sentencing. Determining State average sentences and then moving about Federal law enforcement aid will be a logistical nightmare that may not even be possible to accomplish accurately. Further, troubling constitutional questions are raised about the ex post facto nature of possibly causing changes to parole laws for criminals who have already been convicted. We understand we are in a small minority on this issue, but we strongly support federalism and believe that the Federal Government is overstepping its authority by passing Aimee's Law.